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Air & Radiation Law News for June 14, 2017

Bloomberg BNA Daily Environment Report™

Leading the News

Congress

House Vote Possible This Summer on Four Environment Bills: Shimkus

The House could pass four major environmental bills before Congress's August recess, including one delaying implementation of 2015 ozone standards, a key House Republican told Bloomberg BNA.

News

Air Pollution

VW Sleuths Say Fiat Chrysler Diesels Also Spew Excess Pollution

Fiat Chrysler diesel vehicles spewed pollution as much as 20 times the legal limit, according to testing by the same researchers who exposed the Volkswagen AG emissions cheating scandal.

Energy

Canadian Oil Production to Rise 33% by 2030, Straining Pipelines

Canada will churn out 33 percent more oil by 2030, exceeding the capacity of existing pipelines to ship the product to market and threatening producers' competitiveness, according to the industry's main trade

group.

Energy

Delayed Appliance Efficiency Rules Spark Lawsuits from States

Eleven Democratic state attorneys general and a coalition of environmental groups sued Energy Secretary Rick Perry June 13 for delaying Obama administration energy efficiency standards for five common electrical appliances (California v. Perry, N.D. Cal., No. 4:17-cv-3406, 6/13/17).

Energy

European Parliament Greenlights Energy Labeling Law

The European Parliament June 13 ratified a European Union regulation that will simplify the energy-efficiency labeling of refrigerators, washing machines and other domestic appliances sold in the bloc.

Energy

Lines Drawn in Fight on Increased Ethanol Sales Before Hearing

The battle lines are drawn on the eve of a Senate hearing on transportation fuel with higher ethanol blends.

Energy

Senate Committee to Move Nuclear Regulator Nominees Quickly

Leaders of the Senate Environment and Public Works Committee stressed their commitment to vote soon on three Nuclear Regulatory Commission nominees, weeks before the commission is set to lose its quorum unless at least one nominee is confirmed.

Energy

The Energy Agency Trump Aims to Kill Could Instead Be a Model

A congressionally mandated study determined that an Energy Department agency the budget of President Donald Trump aims to kill should instead serve as a model for the entire department.

Enforcement

EPA Enforcement Office Nominee Says Federal Role Remains

The EPA's enforcement office will manage proposed budget cuts by focusing on high-profile pollution cases and leaving the day-to-day work to state regulators, the nominee to lead the division told senators June 13.

International Climate

EU Set to Commit to Climate Deal, Free Trade in Rebuff to Trump

European Union leaders are planning to use a summit next week to declare their commitment to global free trade and the Paris climate accord in a rebuff to U.S. President Donald Trump.

Natural Gas

Blast Backlash Hangs Over Drillers as 'Fractivists' Seek Limits

Two months after a Colorado home exploded near an Anadarko Petroleum Corp. well, the reverberations are still rattling the oil industry, driving down driller shares and raising fears of a regulatory backlash.

Oil & Gas

Water Concerns Keep Australia From Getting at Gas Reserves

In the tight-knit Outback town of Narrabri, the cold-shoulder treatment farmer Peter Gett has felt over the natural gas wells on his property has shown him that promoting Australia's energy security comes at a cost.

Proxy Voting

BlackRock Sheds Light on Proxy-Voting Decisions When Boards Balk

The world's largest asset manager is experimenting with near real-time reporting on what happens when companies don't respond to its concerns on topics such as climate change.

*Regulatory Policy***Regulatory Revamp Fever Running High in Wisconsin**

Wisconsin is poised to become the first state in the nation to enact a sweeping regulatory overhaul process pushed by corporate interests and free-market advocacy groups.

*Renewable Energy***Apple issuing a Second Green Bond to Finance Green Energy**

Apple Inc., which issued the biggest green bond ever sold by a U.S. corporation last year to finance projects fighting global warming, is doing it again.

*Renewable Energy***Brazil's Biggest Wind Farm Starts Spinning Turbines**

The largest wind farm in Brazil has started operation as the research arm of the Mines and Energy Ministry predicts wind power will grow in the nation's energy mix over the next year.

*Renewable Energy***Canadian Investor Applies for Chernobyl Solar Project in Ukraine**

Canadian investor Refraction Asset Management Ltd. is seeking permission to install 100 megawatts of solar panels inside the radioactive exclusion zone surrounding Ukraine's defunct Chernobyl nuclear plant.

Suppe

Hill Watch**Hill Watch: Climate Regulation**

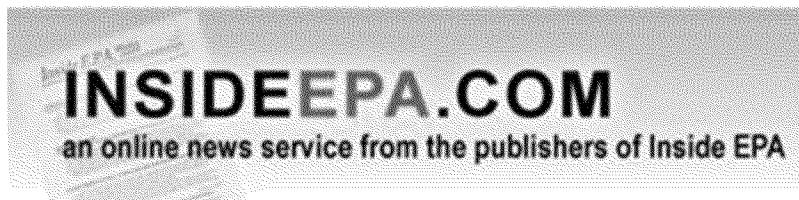
The following chart summarizes the status of key environmental policy legislation pending in Congress. The first column provides a synopsis of the purpose, content, and support for the legislation. The second column summarizes the provisions of the legislation. The third column outlines the procedural path ahead and the political prospects for enactment of the bills.

Hill Watch: Coal Mining**Hill Watch: Energy****Hill Watch: Science Policy****Regulatory Agenda****TODAY'S FEDERAL REGISTER**

NOTICE. Daily Environment Report's Regulatory Agenda, Comment Deadlines, and Federal Register summaries are now published as part of EHS Federal Regulatory AlertTM <http://news.bna.com/frmn/>.

TODAY'S STATE REGISTERS

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TRUMP'S EPA: Agency at a crossroads -- Complete coverage

Inside EPA's **Clean Air Report**, 06/15/2017

<https://insideepa.com/newsletters/clean-air-report>

Latest News

9th Circuit Judges Doubt EPA Claim Of No Duty To Revise Lead Dust Rules

Two of three appellate court judges at June 12 oral argument doubted EPA's claim that it has no statutory duty to revise its lead dust hazard standards, which could boost environmental and health groups in their lawsuit that claims the agency is violating the Administrative Procedure Act by not updating the standards within a "reasonable" timeframe.

Bodine Pledges Continued Enforcement While Downplaying Budget Cuts

Susan Bodine, the Trump administration's pick to lead EPA enforcement, is offering Democratic lawmakers assurances that she would continue to enforce the nation's environmental laws in partnership with states even as she downplays the impact of the administration's proposed budget cuts on enforcement programs.

Groups Launch Efforts To Advance Carbon 'Cost' In Face Of Trump Rollback

Environmentalists and other supporters of climate policy are launching separate efforts to advance the social cost of carbon (SCC) metric that the Obama administration developed to estimate the benefits of greenhouse gas rules but which President Donald Trump has rolled back.

OTC Reiterates Call For EPA To Craft Stricter Heavy-Duty Vehicle NOx Rule

SARATOGA SPRINGS, NY -- The Ozone Transport Commission (OTC) of Northeast and Mid-Atlantic states is reiterating its call for EPA to issue stricter limits on ozone-forming nitrogen oxides (NOx) emissions from heavy-duty trucks, as the region searches for more ways to meet the agency's tough 2015 federal ozone limit.

OTC States Eye Swift EPA Haze Air Plan Submissions To Serve As Model

SARATOGA SPRINGS, NY -- Some states within the Ozone Transport Commission (OTC) of Northeast and Mid-Atlantic states are aiming to submit their next compliance plans for EPA's regional haze program by 2018 instead of the agency's delayed deadline of 2021, hoping that their plans will serve as models for

other states.

Daily Feed

EPA Inspector General probes EPA computer air model

The IG says it will investigate EPA's methods for ensuring the accuracy of emissions models, especially one that has been criticized by states and industry.

EPA proposes two-year stay of methane NSPS requirements

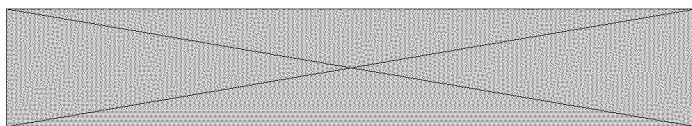
EPA takes additional steps to delay the oil and gas methane standards by up to two years -- even as it faces a lawsuit challenging its current short-term stay.

CEQ gets new deputy general counsel

Viktoria Seale's selection is the latest in a series of hires for CEQ though administration officials have not yet tapped key leaders for the council, which is slated to play a key role speeding environmental reviews for major infrastructure projects.

EPA to use 'beyond the fence' legal critique to scrap CPP

From today's Ewire: EPA's legal argument for CPP rollback. Plus, Coal ash and TSCA rules.



DOE

National Academies tout research program Trump wants to kill

Christa Marshall, E&E News reporter

Published: Tuesday, June 13, 2017



The National Academies of Sciences said the Advanced Research Projects Agency-Energy, or ARPA-E, is working, despite the Trump administration's claims. ARPA-E

This article was updated at 5:45 p.m. EDT.

A Department of Energy research agency targeted for elimination by the Trump administration "is not failing" and doesn't need reform, according to a report today from the National Academies of Sciences, Engineering and Medicine.

The assessment of the Advanced Research Projects Agency-Energy, years in the making, finds that the DOE program is performing well on nearly every metric. Without mentioning President Trump by name, the congressionally mandated report challenges his argument that ARPA-E is unnecessary because the private sector could or should carry out the agency's functions.

Instead, the academies conclude that ARPA-E projects are too high-risk and early-stage initially to attract much private capital.

"The agency is not failing and is not in need of reform. In fact, attempts to reform the agency — such as applying pressure for ARPA-E to show short-term success rather than focusing on its long-term mission and goals — would pose a significant risk of harming its efforts and chances," the report states.

Yet it's impossible to fully assess ARPA-E because the agency was first funded in 2009, according to NAS. That doesn't leave enough time to fully conclude whether it is meeting the long-term goal of transforming the U.S. and global energy sector.

"Sufficient time has not passed for outcomes to have become evident," the report says.

What is clear is that the right "ingredients" are in place for that to happen, according to report co-author Louis Schick, founding partner and chief technology officer of NewWorld Capital Group. Other co-authors include university professors, national lab scientists and business leaders.

"We can evaluate whether there is a team with the right resources and skills ... that are executing," Schick

said.

The report finds, for instance, that ARPA-E's program directors are empowered to take risks, and are evaluating projects through vigorous standards that reward the most promising ideas and monitor their progress closely, just as the agency was mandated to do.

As of October 2016, ARPA-E supported 500 projects, with a quarter obtaining follow-up private funding. About 13 percent received patents, and half published results in peer-reviewed journals. Products supported by the program include Makani's energy kite, which harnesses wind at high altitudes and sends power down a tether. It got financial help from ARPA-E before being acquired by Google in 2013.

NAS also found some room for improvement. In particular, ARPA-E could do a better job at mentoring awardees wanting to bring technologies to market, according to Schick. The agency also could improve communication with the public, so ARPA-E's activities and benefits are made clearer, he said.

"They should really work on that, including asking for help from people who do that professionally," Schick said.

The National Research Council recommended ARPA-E's creation in 2005 in its "Rising Above the Gathering Storm" report. The idea was to create an energy version of the Defense Advanced Research Projects Agency — the military program that led to breakthroughs like global positioning systems and stealth aircraft. Congress first authorized ARPA-E during the George W. Bush administration.

Under the model, DOE funds potentially transformative projects for a short period of time — typically three years — and pulls the plug quickly if promising ideas don't pan out. To ensure flexibility, ARPA-E has a separate funding structure and a director who reports directly to the Energy secretary.

In its fiscal 2018 budget request, the Trump administration called for eliminating ARPA-E entirely. It proposed that \$20 million remain available to close out the agency and comply with administrative expenses. ARPA-E currently is funded at about \$300 million a year.

"There has been concern about the potential for ARPA-E's efforts to overlap with Research & Development (R&D) being carried out, or which should be carried out, by the private sector," the Trump administration said in its budget documents.

Conservatives who back Trump's position say the new report doesn't change their conviction that new technologies can emerge without the help of taxpayers.

"Incremental or even long-term success doesn't validate the legitimacy of the program. There's a \$6 trillion market out there to light our homes and fuel our vehicles. That's not a valley of death; it's an ocean of wealth for investors to dive into," said Nicolas Loris, a fellow in energy and environmental policy at the Heritage Foundation.

But many business leaders and members of Congress disagree, including Republican appropriators like Sens. Lisa Murkowski of Alaska and Lamar Alexander of Tennessee, chairman of the Senate Appropriations subcommittee with jurisdiction over the Department of Energy.

Last week, the U.S. Chamber of Commerce and business executives sent a letter to Congress urging support for ARPA-E, touting the agency's track record and concerns about the United States lagging behind other countries ([Greenwire](#), June 8).

"More than 20 percent of ARPA-E projects lead to the formation of private energy technology companies, a remarkable track record given the high-risk, high-reward nature of its funding approach," said Brad

Townsend, staff director of the American Energy Innovation Council. "The competitive, benchmark-driven approach also encourages entrepreneurs to think through commercial considerations early enough in the process that they can avoid costly dead ends."

EPA

Dems threaten to stall nominees on congressional requests

Kevin Bogardus and Hannah Northey, E&E News reporters

Published: Tuesday, June 13, 2017



(Left to right) Kristine Svinicki, Annie Caputo and David Wright testified this morning at a confirmation hearing for their nominations to the Nuclear Regulatory Commission, and Susan Bodine testified about her nomination to U.S. EPA. Senate Committee on Environment and Public Works

Sen. Tom Carper (D-Del.) said U.S. EPA's lackluster response to congressional requests is endangering the chances of more top officials arriving at the agency.

At a Senate Environment and Public Works Committee hearing this morning on nominees for EPA and the Nuclear Regulatory Commission, Carper, the panel's ranking member, said in his opening statement that he would find it "very difficult" to support moving forward on EPA nominees unless the agency picks up the pace in responding to Capitol Hill information requests.

"Absent a heartfelt commitment by EPA to provide complete and timely responses to our current information requests, I will find it very difficult to support moving forward with the consideration of any EPA nominees," Carper said.

"I do not make such a statement lightly. I make it with no sense of joy, but the nominations we are discussing today are important ones," he said. "They deserve our attention, just as our inquiries from the minority side deserve the attention of this administration."

Appearing at today's hearing was President Trump's second EPA nominee after Administrator Scott

Pruitt: Susan Bodine, picked to lead the agency's enforcement office. Trump has lagged behind his predecessors in picking top officials for EPA, and the agency would remain short-staffed if Democrats were to stall future nominees.

Carper noted Democratic members of the committee have not received complete responses from Pruitt to 11 letters. He also cited a Justice Department legal opinion issued under the Trump administration that said agencies did not have to respond to letters from lawmakers in the minority party (*Greenwire*, June 2).

Sen. John Barrasso (R-Wyo.), the committee's chairman, pushed back on his Democratic counterpart's assertion that EPA has been slow to respond to congressional requests. He said EPA under Trump's watch has responded to 386 congressional letters out of 416 sent to the agency.

"The Obama administration, I believe, went out of its way to avoid answering my specific oversight requests, responses that I have never received. I found it very disturbing. With respect to the committee's oversight function, I believe it is critically important," Barrasso said.

"I believe the executive branch and agencies must be required to respond to the committee's reasonable oversight requests," he said.

During today's hearing, Bodine won plaudits from GOP senators on the committee. Well-known for years in Republican circles for her expertise in environmental law, Bodine has been chief counsel for the EPW panel since 2015.

She "has been so valuable to me as a staffer," said Sen. Jim Inhofe (R-Okla.), a former EPW chairman, who said Bodine would be an "asset" to EPA, where she also served as head of the solid waste office during the George W. Bush administration. Republicans also touted support for Bodine joining EPA from Obama-era agency officials.

Democrats were tougher on the EPA nominee and took their chance to pepper Bodine about the president's proposed budget cuts for the agency, including a nearly 24 percent reduction in funds to EPA's enforcement office.

During the hearing, Bodine nodded to Pruitt's espousal of "cooperative federalism," having state regulators shoulder more of the burden in cleaning up the environment.

"EPA is going to maintain an enforcement presence and certainly create the deterrent effect and take these high-profile cases," Bodine said.

She said enforcement is a tool to stop pollution, but ultimately, the agency's goal is compliance with environmental laws. That can be achieved by working with EPA's professional staff, state agencies and those who are regulated by EPA.

Under questioning from Sen. Sheldon Whitehouse (D-R.I.), who said a "corporate polluter raiding party" had captured EPA, Bodine committed to releasing annual enforcement statistics by the agency. In addition, she said she didn't envision being subjected to pressure from Pruitt or even the president to back off from enforcement.

Bodine said, "Enforcement has always been nonpartisan and independent at EPA, and if confirmed, I would make sure that continued to be true."

NRC 'parity'

Today's confirmation hearing was preceded by days of Carper pushing to pair consideration of Trump's

NRC nominees with an existing commissioner, Democrat Jeff Baran, whose term expires at the end of June 2018.

Carper said during an interview on Capitol Hill yesterday that he spoke with Barrasso a number of times about advancing Baran, a message he reiterated at the hearing, saying the Senate committee wasn't facing "parity" in the NRC picks before it.

"I hope we can find a path to ensure that the White House renominates Commissioner Jeff Baran," Carper said, "and that the committee pairs consideration of his nomination with some or all of the NRC nominees before us."

Carper, however, signaled he would support Trump's picks of current NRC Chairwoman Kristine Svinicki; Annie Caputo, a former Exelon Corp. executive who now works for EPW; and David Wright, a former South Carolina Public Service Commission chairman. Svinicki is slated to get a full committee vote Thursday, while a date has not been set for Caputo and Wright.

Democrats elsewhere, however, sounded the alarm over familiar issues.

Nevada Sens. Dean Heller (R) and Catherine Cortez Masto (D) issued a joint statement to the committee ahead of the hearing raising concern about the nominees' support for the stalled Yucca Mountain nuclear waste repository.

"We recognize that the nominees considered before the committee today have a history and record of strongly supporting moving forward with the Yucca Mountain repository," the senators wrote. "We remain hopeful that the nominees, if confirmed, approach this issue without any pre-existing bias and conflicts of interest."

The issue of Yucca Mountain didn't surface at the hearing today, but Democrats on the panel peppered NRC with questions more closely tied to their districts or specific bills.

Sen. Kirsten Gillibrand of New York pushed the NRC nominees to look more closely at standards for setting evacuation zones around facilities like the Indian Point nuclear plant near New York City.

Sen. Cory Booker of New Jersey, on the other hand, pushed Svinicki on whether the NRC should move forward with a new framework for advancing reactors other than traditional light-water reactors. Booker and other bipartisan lawmakers on the committee have floated a bill to overhaul the NRC's licensing process for advanced reactors, including fission and fusion systems (*E&E Daily*, March 21).

"We should move forward on a new framework, but if a designer comes in and seeks approval now ... I think we should get started," Svinicki said. "I think we should do both."

APPROPRIATIONS

Shutdown may be 'right outcome' — Mnuchin

George Cahlink, E&E News reporter

Published: Tuesday, June 13, 2017

The Trump administration is not ruling out closing federal agencies this fall if it can't reach a spending accord with Congress.

Treasury Secretary Steven Mnuchin today declined to take a government shutdown off the table in upcoming negotiations, saying it might be the "right outcome."

"At times there could be a good shutdown, at times there could not be a good shutdown," Mnuchin said at a Senate Budget Committee hearing this morning. He stressed the Trump administration's "primary objective" is not to force a government shutdown.



Steven Mnuchin. Treasury Department/Wikipedia

Mnuchin's remarks came in response to a question from Sen. Tim Kaine (D-Va.), who referenced a tweet from President Trump earlier this year that "our country needs a good shutdown."

Those comments sparked bipartisan criticism, and the White House eventually softened them, suggesting Trump was using the threat as leverage for upcoming budget talks.

Congress will need to have new fiscal 2018 spending in place when the fiscal year begins Oct. 1, or most federal agencies would be forced to shut down.

Mnuchin stressed the administration would "never" allow for a shutdown of "critical government infrastructure" but did not define what agencies and operations that would cover. In the past, national security and federal emergency work has continued during government funding lapses.

Additionally, Mnuchin reiterated his earlier view that Congress should raise the debt ceiling before August recess but also said the nation won't reach its borrowing limit until the end of September. He said acting sooner rather than later would avoid unsettling global markets.

WHITE HOUSE

100,000 comments roll in on how to revamp executive branch

[Arianna Skibell](#), E&E News reporter

Published: Tuesday, June 13, 2017



The public comment period for reorganizing the executive branch has closed. Sean Hayford Oleary/Flickr

The public has submitted more than 100,000 comments on reforming or eliminating executive branch programs, according to the White House.

The window for the public to submit comments on President Trump's March executive order to reorganize the executive branch closed yesterday.

"Americans came together and submitted more than 100,000 suggestions and ideas to eliminate burdensome regulations, remove red tape and get government out of the way of government," a statement on the White House website reads.

"With your help, we're making America great again!"

Trump's order began the process of what he called "a long-overdue reorganization" of the executive branch's departments and agencies.

The order directs agency heads to submit recommendations for programs to eliminate or merge but also required a public comment period.

In April, Office of Management and Budget Director Mick Mulvaney asked the public to participate in the comment period through a video, in which he decried Obama-era regulations and said Trump has asked him to "fix" the bloated regulatory system.

"If you've had good stories or bad stories about how the federal government has served you or failed to serve you, or just ideas that you might have generally about how we can fix things," Mulvaney says, and points to a stack of papers that reach up to the ceiling, "this needs to be fixed."

Trump has said his administration will work with Congress to implement the recommendations to reorganize government resulting from the order.

The White House said the comments may be made public.

The Competitive Enterprise Institute circulated an email yesterday listing its priorities for the executive order. The conservative group recommended that Trump direct Cabinet secretaries to stop using guidance documents that evade notice and comment requirements.

The group recommended that Trump abolish at least one entire Cabinet-level agency, preferably the Department of Commerce. And lastly, CEI recommended Trump assert his authority over the Consumer Financial Protection Bureau and fire Director Richard Cordray.

James Goodwin, senior policy analyst with the Center for Progressive Reform, said his nominees for elimination are the Office of Information and Regulatory Affairs and the Small Business Administration's Office of Advocacy.

Goodwin noted, however, that when he first looked at the OMB survey, these agencies were not among the options listed. He did not participate in the survey.

Now that the comment window has closed, Mulvaney has 180 days to send Trump a proposed plan to reorganize the executive branch.

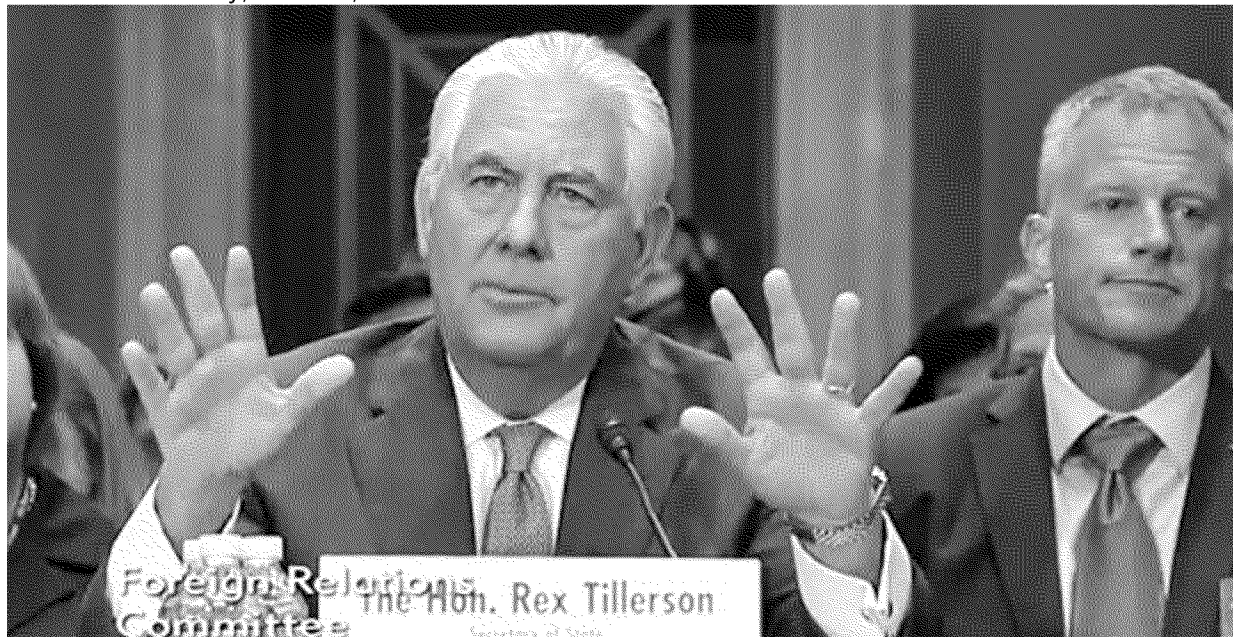
According to the executive order, Mulvaney should include recommendations to eliminate "unnecessary agencies, components of agencies, and agency programs, and to merge functions."

PARIS AGREEMENT

'My view didn't change' — Tillerson

Hannah Hess, E&E News reporter

Published: Tuesday, June 13, 2017



Secretary of State Rex Tillerson testified on Capitol Hill today. Senate Committee on Foreign Relations

Secretary of State Rex Tillerson told senators this morning that he still supports the Paris Agreement, despite President Trump's decision to initiate U.S. withdrawal.

"My view didn't change. My views were heard out," Tillerson told Sen. Ben Cardin (D-Md.) during a Foreign Relations Committee hearing on the department's budget request for fiscal 2018.

"I respect that the president heard my views. But I respect the decision he's taken," Tillerson said.

Cardin told E&E News prior to Trump's June 1 announcement that Tillerson had privately discussed the importance of maintaining a seat at the table (*E&E Daily*, May 10).

Democrats who supported the international climate agreement forged during the Obama administration see political advantage in calling attention to Trump's announcement, which put him at odds with foreign allies and the majority of American voters (*E&E Daily*, June 5).

"Today we find we have left our seat at the table and shredded the efforts of the international community to respond to climate change," Cardin, ranking member of the panel, said in his opening remarks. He said Trump "repudiated all our partners in the international community" with his announcement.

Tillerson did not attend the White House Rose Garden ceremony where Trump announced he would get out but attempt to negotiate a "fair" deal (*E&E News PM*, June 1). The State Department declined to elaborate on his notable absence.

Cardin asked Tillerson whether his views had changed or whether Paris reflected a "political decision" made by the administration.

"My view never changed, senator, from what I shared with you," Tillerson answered. "It was run through an interagency process. I would tell you that the president was quite deliberative on the issue and took some time to come to his decision, particularly waiting until he had heard from European counterparts in the [Group of Seven] on it."

FEDERAL AGENCIES

Dems ask IGs to review record keeping

Kevin Bogardus, E&E News reporter

Published: Tuesday, June 13, 2017

Senior Democrats in the Senate are requesting that agency watchdogs across the government review the Trump administration's preservation of federal records.

In letters sent to 24 inspectors general, Sens. Tom Carper (D-Del.) and Claire McCaskill (D-Mo.) requested they look into their agencies' record-keeping practices as well as the departments' responses to lawmakers' requests on Capitol Hill.

"Various public reports raise questions about whether Trump Administration officials are intentionally skirting compliance with federal record keeping requirements," the senators wrote. They cited press stories of White House aides using an encrypted messaging app, Confide, to talk to each other.

In addition, the senators noted that agencies under the Trump administration have been slow to respond to congressional letters. Lawmakers have been pushed back against a recent Justice Department legal

opinion that found that agencies didn't have to respond to requests from members of the minority party on Capitol Hill ([E&E Daily](#), June 7).

"While it might be reasonable to attribute some delay in responding to Congressional requests to the presidential transition process, recent reports suggest that the Trump Administration's lack of transparency and responsiveness may be by design," Carper and McCaskill said.

The senators gave the IGs a deadline of July 6 to respond to several questions, including how their agencies comply with federal record-keeping laws and answer congressional requests.

Carper is ranking member on the Senate Environment and Public Works Committee while McCaskill is ranking member on the Senate Homeland Security and Governmental Affairs Committee.

IGs at [U.S. EPA](#) as well as the departments of [Energy](#) and [the Interior](#) received letters from the senators.

[Click here](#) to see all the letters Carper and McCaskill sent to the IGs.

CLIMATE

'Noah's Ark' caucus membership rises amid lobby push

[Hannah Hess](#), E&E News reporter

Published: Tuesday, June 13, 2017



(Left to right) Reps. Jimmy Panetta (D-Calif.) and Scott Taylor (R-Va.) joined the "Noah's Ark" caucus.
[@RepJimmyPanetta/Twitter](#); [@Scottaylorva/Twitter](#)

Freshman lawmakers from coastal districts in Virginia and California have joined the bipartisan Climate Solutions Caucus.

Rep. Scott Taylor (R), who represents Virginia Beach, and Rep. Jimmy Panetta (D), whose district

encompasses Monterey Bay, are the latest additions to what's been dubbed a "Noah's Ark" group because it adds members in bipartisan pairs.

E&E News reported last month that Republican Rep. Claudia Tenney of New York and Democratic Rep. Mike Thompson of California joined the caucus ([E&E Daily](#), May 25).

Taylor and Panetta added their names to the roster following the Trump administration's announcement that the United States intends to withdraw from the Paris Agreement.

Volunteers with the Citizens' Climate Lobby from 49 states are visiting Capitol Hill today, urging members to set aside partisan politics surrounding global warming and embrace a market-based solution. The group stepped up advocacy for a revenue-neutral carbon fee and dividend model in the wake of President Trump's election ([E&E Daily](#), Nov. 14).

Since 2010, when just 25 CCL volunteers lobbied on the Hill, the group has mobilized more and more people. This year's international conference drew a record crowd of 1,300, said organizers.

New additions to the Climate Solutions Caucus reflect a trend of politically vulnerable members joining the ranks.

The National Republican Congressional Committee put Tenney on a list of incumbents who need extra support and funding from the GOP in the midterm elections, along with fellow climate caucus members John Faso of New York, Brian Fitzpatrick of Pennsylvania, Brian Mast of Florida and Darrell Issa of California ([E&E Daily](#), Feb. 16).

The Democratic Congressional Campaign Committee has hired organizers and campaign operatives in 20 Republican-held districts, including Virginia's 2nd District, which Taylor won easily in November. Ten of the districts the DCCC is targeting are represented by members of the caucus ([E&E Daily](#), Feb. 3).

CCL volunteers will pitch the political appeal of endorsing climate action, said Executive Director Mark Reynolds in a *Hill* op-ed.

"When our volunteers meet with you today, what you can expect is constituents and concerned citizens who appreciate that your job is not easy, that it is nearly impossible to please all the people you represent on any particular issue," he wrote.

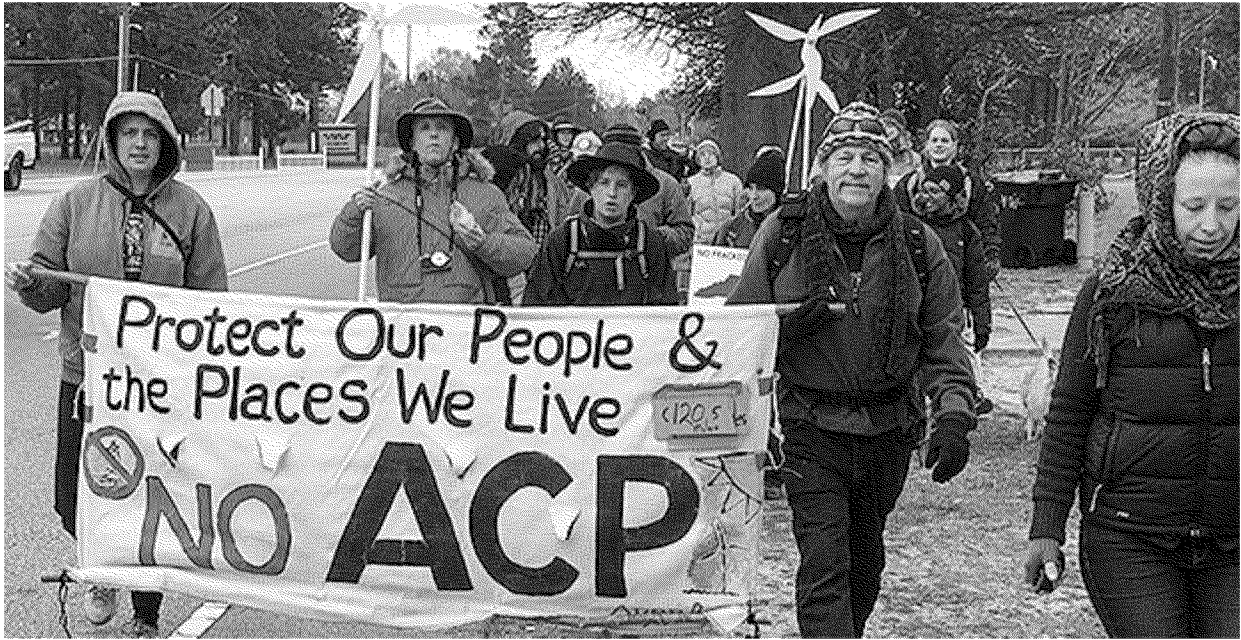
"They will also come bearing this promise: If you are willing to step up and lead on climate change, they will do everything in their power to back you up in your district and state by enlisting support from community leaders and newspapers back home," Reynolds wrote.

ADVOCACY

Gas industry unveils campaign to counter activist 'assaults'

[Hannah Northey](#), E&E News reporter

Published: Tuesday, June 13, 2017



Opponents of the Atlantic Coast pipeline in Fayetteville, N.C., march in a protest. Mike Soraghan/E&E News

The natural gas industry has launched a national campaign beginning in Connecticut and Virginia to counter a growing "keep it in the ground" grass-roots movement aimed at halting the spread of gas production, infrastructure and exports.

The American Gas Association kicked off "Your Energy," a consumer education push about the benefits of natural gas.

The industry group on its website claimed a need to strike back at activists opposed to gas development and infrastructure and to tell the "truth" about gas.

"Your Energy was created to speak out against a misguided movement that assaults our way of life," the group wrote. "This movement is based on the simplistic belief that keeping our natural resources in the ground is the only solution to climate change. This isn't just false — it's dangerous to our quality of life, economy and energy security."

The website casts natural gas as the primary driver of emission reductions in the United States.

AGA's website also urges visitors to join its "movement" supporting natural gas.

"We have to fight back against those who want to deprive us of clean, affordable energy," the website says. "That's why we have Your Energy. Join us to support natural gas — the clean energy that makes our way of life possible."

The campaign, for which AGA declined to provide a cost, is first being launched in Virginia and Connecticut, two states where residents are facing the construction of natural gas pipeline projects that have drawn the ire of some landowners and made for tricky political footing in upcoming gubernatorial elections (E&E Daily, April 26).

AGA said that the campaign will include "community outreach, social media engagement, advertising, and other promotions" and that "resources for policy makers, elected officials, the media and consumers will

also be made available via specific state based programming that will highlight the positive impact natural gas can have for families, communities and state economies throughout the country, beginning in Connecticut and Virginia."

AIR POLLUTION

EPA fights green groups' bid to pursue Wyo. haze suit

Sean Reilly, E&E News reporter

Published: Tuesday, June 13, 2017



U.S. EPA and power companies are teaming up in opposition to environmentalists' legal challenge to a Wyoming haze reduction rule to reduce pollution from several Wyoming coal-fired power plants, including Dave Johnston Power Plant. PacifiCorp

U.S. EPA is again siding with the state of Wyoming and power producers to oppose a bid by environmentalists for separate treatment of their lawsuit challenging haze reduction regulations.

In a [filing](#) yesterday with the 10th U.S. Circuit Court of Appeals, EPA attorneys argued against letting the Powder River Basin Resource Council and two national environmental groups move ahead with their challenge to a 2014 regional haze rule for Wyoming.

The groups are contesting the rule on the grounds that it doesn't do enough to cut pollution from coal-fired power plants and the oil and gas industry. The state, allied with Basin Electric Power Cooperative and PacifiCorp, counters that it is overly strict.

Last month, the 10th Circuit froze all proceedings in the consolidated litigation to allow a settlement with Basin Electric to take effect. The environmentalists, arguing that the deal's implementation could take two years, have asked the court to let them meanwhile proceed with their challenge ([Greenwire](#), June 5). In yesterday's response, however, EPA lawyers argued that the lawsuits are in effect too interwoven to split them up.

If the 10th Circuit approves the environmentalists' request, the court and challengers "could be required to litigate overlapping or related aspects of the final rule on separate occasions," they wrote. Also objecting to the environmentalists' motion are the state and the two power producers. As of this morning, the court had not ruled on the motion, according to online records.

In early 2016, however, the court rejected a previous attempt by the same three environmental groups, which also include the Sierra Club and National Parks Conservation Association, to forge ahead independently with their suit. EPA, along with the other litigants, had opposed that bid, as well.

The regional haze program, dating back to 1999 in its current form, aims to restore natural visibility to 156 national parks and wilderness areas by 2064.

AIR POLLUTION

Houston woman charged with scamming federal program

Published: Tuesday, June 13, 2017

A Houston woman has been charged by federal officials with defrauding a regional air quality program in an unusual case.

Shonda Renee Stubblefield, who also goes by Shonda McGowan, is accused of theft of public money, mail fraud, wire fraud, money laundering and aggravated identity. All charges stem from what officials say was an attempt to scam a Houston-area program that uses federal funds from the U.S. Department of Transportation.

The program offers grants and subsidies to companies that pay employees to work from home, reducing commuting emissions and traffic.

Stubblefield received \$183,000 from the program. Officials say she made up employees and clients to get more funding.

Air quality fraud is rare, according to federal agents (Dug Begley, *Houston Chronicle*, June 12). — **NB**

emissions

Calif. mayors ink port pledge

Published: Tuesday, June 13, 2017

Two California mayors signed an agreement yesterday to direct the nation's largest port complex to move toward zero-emission trucks and yard equipment.

Los Angeles Mayor Eric Garcetti (D) and Long Beach Mayor Robert Garcia (D) signed the two-page declaration that says the ports "shall advance clean technologies and other efforts to move toward the goal of zero emissions." It also established targets for zero-emission trucks by 2035 and zero-emission cargo-handling equipment by 2030.

The city-owned ports in Los Angeles and Long Beach are the largest single source of smog-forming pollution in Southern California.

The agreement mostly reiterates targets proposed in a pollution reduction plan the ports are developing. The document commits the ports to approving a new plan by November.

"Some folks have questioned our commitment," Garcetti said at a news conference at the port complex before signing the agreement. "We're here to put it down on paper" (Tony Barboza, [Los Angeles Times](#), June 12). — CS

OIL AND GAS

Alaska wants hundreds of unused wells closed

Published: Tuesday, June 13, 2017

Alaska inspectors want oil and gas companies to close hundreds of unused wells across the state.

Alaska Oil and Gas Conservation Commission Chairwoman Cathy Foerster said the agency has sometimes been lax about requiring the permanent closure of the old wells that stopped producing long ago.

The agency is now initiating a two-part effort to get the permanent shutdown of some wells and requirements for bigger surety bonds to protect the state if the wells aren't properly covered in cement before they're abandoned.

There are 725 unused wells more than a year old that have not been permanently closed, according to the state agency. That number is up from 516 in 2007.

The expenses of dealing with each well can vary. Closing some wells will cost millions of dollars, while others could cost \$100,000 (Alex DeMarban, [Alaska Dispatch News](#), June 12). — CS

ELECTRIC VEHICLES

Driverless revolution moves to high seas

Published: Tuesday, June 13, 2017

A Norwegian shipping company wants to deliver cargoes by unmanned sea vessels by 2020.

The full-electric, zero-emissions Yara Birkeland will set sail in Europe next year. Oslo-based Yara International ASA said the vessel will work by remote control by 2019 and will be fully automated by the start of the decade.

The container ship will transport fertilizer.

The maritime industry has historically used the dirtiest fuels available from refineries.

Yara estimates the new vessel will reduce truck-powered haulage by 40,000 trips a year (Jess Shankleman, [Bloomberg](#), June 12). — CS

AUTONOMOUS CARS

Apple focusing on self-driving tech

Published: Tuesday, June 13, 2017

Apple Inc. CEO Tim Cook said the tech giant is joining the race to design self-driving car systems.

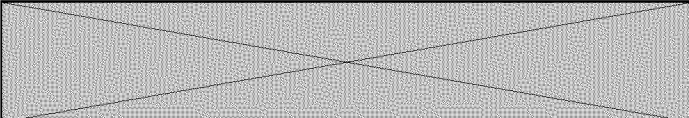
"We sort of see it as the mother of all AI projects," Cook said.

Several tech companies are seeking to develop autonomous driving systems, and the industry is booming. It will be worth an estimated \$6.7 trillion by 2030, according to McKinsey & Co.

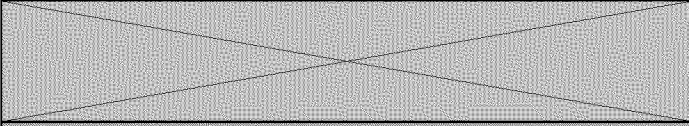

Project Titan, as Apple's effort is known, focuses on the technology for self-driving cars rather than the car itself. Veteran Apple engineer Bob Mansfield took over the effort last year.

The company has a California state permit to test three self-driving cars on roads.

Cook would not say whether Apple has future plans to build its own car (Webb/Chang, *Bloomberg/Houston Chronicle*, June 13). — NB

	
AN E&E NEWS PUBLICATION	
CLIMATEWIRE — Wed., June 14, 2017	
READ FULL EDITION	
<p>1. <u>NEGOTIATIONS:</u> <u>U.S. could stay on Green Climate Fund board after all</u> Even though President Trump has made it clear that no further funds will be provided to the Green Climate Fund, the United States might not lose its seat on the fund's board. His withdrawal doesn't mean the nation is automatically dropped from the board that will determine how the \$10.3 billion fund operates or what projects get its funds.</p>	
<p>TOP STORIES</p>	
<p>2. <u>SCIENCE:</u> <u>It's real! But climate researchers have lots of questions</u></p>	
<p>3. <u>SCIENCE:</u> <u>Trump says don't 'worry' to mayor on disappearing island</u></p>	
<p>4. <u>SCIENCE:</u> <u>Balloon near space explores global shade from sunlight</u></p>	
<p>TRUMP ADMINISTRATION</p>	
<p>5. <u>EPA:</u> <u>'I have my integrity, and so does Mr. Pruitt'</u></p>	
<p>STATES</p>	
<p>6. <u>CALIFORNIA:</u> <u>Brown named special envoy to U.N. climate talks</u></p>	
<p>ELECTRICITY</p>	
<p>7. <u>COAL:</u> <u>Worldwide demand falls again</u></p>	
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LAW	<u>Electric bus company picks up more investors</u>
	9.COLORADO:
	<u>He duped DOE for \$5.7M; prison is possible</u>
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	<u>Oil firms to increase wind and solar investments</u>
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	<u>Former EPA official McCabe talks Trump moves on budget, power plan, ozone and Paris</u>

	
AN E&E NEWS PUBLICATION	
ENERGYWIRE — Wed., June 14, 2017	
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	1.WHITE HOUSE:
	<u>Trump, former 'Apprentice' host, primes jobs pump</u>
	President Trump heads to the Department of Labor today to deliver on a campaign promise to improve job prospects for "forgotten" Americans and announce a strategy to increase private-sector-led apprenticeship programs, aiming to link more of the nearly 6 million unemployed Americans with roughly that number of unfilled jobs in the economy.
TOP STORIES	
	2.METHANE:
	<u>EPA announces 2-year stay for emissions rule</u>
	3.SECURITY:
	<u>Grid operators brace for dual cyberthreats to infrastructure</u>
	4.SOLAR:
	<u>Texas firm raises \$900M for rooftop projects</u>
ELECTRICITY	
	5.WIND:
	<u>Repowered turbines spark tax-credit clash in Iowa</u>
	6.NUCLEAR:
	<u>N.Y. Legislature offers alternative to Cuomo energy plan</u>
	7.POLITICS:
	<u>Low-income solar funds get shifted in D.C., sparking outcry</u>
	8.POLITICS:
	<u>U.K. prime minister will fight to keep lights on</u>
	9.BUSINESS:
	<u>Total eyes expansion into electricity</u>
OIL AND GAS	
	10.DAKOTA ACCESS:
	<u>Oil's flowing, but Bakken producers still seeing low prices</u>

11.NATURAL GAS:

LNG trade to drive global price convergence by 2035 — BP

12.OIL MARKETS:

Saudi Arabia cuts U.S. exports

13.BAKKEN SHALE:

New technique may boost older wells' output

E&ETV'S ONPOINT

14.CLIMATE:

Former EPA official McCabe talks Trump moves on budget, power plan, ozone and Paris

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